

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

GAIL A. PFEIFFER, as Administrator of the
Estate of William T. Pfeiffer and GAIL A.
PFEIFFER individually,

Plaintiff(s)

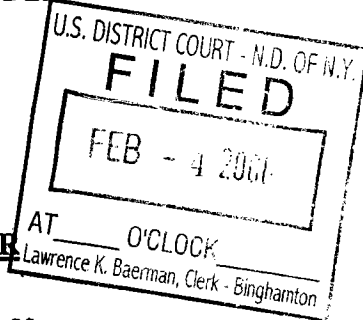
v.

GARY E. ALBRIGHT AND ALBRIGHT
PFEIFFER, INC.

Defendants

Case No. 3:07-cv-01074-TJM-DEP

** ENDORSED
ORDER*



CONFIDENTIALITY STIPULATION AND PROTECTIVE ORDER

It is being represented to the Court that the plaintiff, Gail Pfeiffer, as Administrator of the Estate of William T. Pfeiffer and Gail Pfeiffer, individually (hereinafter collectively referred to as "Gail Pfeiffer") has requested financial documents and records from the defendant, Albright Pfeiffer, Inc. (hereinafter referred to as "API"), which involve proprietary materials and financial information belonging to API; and

It is being represented to the Court that API is willing to provide these documents for inspection and review only under a Protective Order upon the hereinafter stated terms and conditions; and

It is being represented to the Court that all of the parties are in agreement as to the terms of the said Protective Order; therefore,

It is hereby ORDERED that:

1. API will disclose documents that it designates "Confidential and Proprietary" to the parties to this suit and their attorneys, only pursuant to this Order and under the conditions that follow.

2. Any and all of the aforesaid materials disclosed by API and the contents thereof shall be maintained in confidence by counsel for Gail A. Pfeiffer. The

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aforesaid materials shall not be photocopied or reproduced by any means without the prior consent of counsel for API or until further order of this Court.

3. Any and all of the aforesaid materials disclosed by API and the contents thereof shall be used only in connection with the above-captioned matter and the arbitration currently pending and shall not be used for any other purpose whatsoever.

4. No person who examines any document produced pursuant to this order shall disseminate orally, in writing, or by any other means, the document(s) or the information contained therein, to any person not also authorized to examine documents under the terms of this order, including but not limited to API's customers and competitors.

5. Counsel for Gail A. Pfeiffer, and counsel for Gary Albright and API may permit an expert or experts hired by Gail A. Pfeiffer to review the documents subject to this Protective Order, but counsel for the Gail A. Pfeiffer and counsel for Gary Albright and API must first obtain from said experts a written statement confirming the expert's agreement to comply with every element of this Protective Order. Said experts shall agree that the documents and the contents thereof shall not be disclosed to any other person or entity and said documents shall not be photocopied or reproduced by any means. Any documents provided to experts must be returned to API within thirty (30) days of the conclusion of the above-captioned litigation or the arbitration pursuant to the terms of paragraph 8 below.

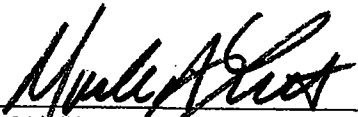
6. Notwithstanding the foregoing provisions, this Order shall be without prejudice to the right of any party to challenge the propriety of discovery on any grounds including, but not limited to, relevance, privilege and materiality.

7. Notwithstanding the foregoing provisions, this Order shall not restrict in any manner the right of any party to offer or use as evidence at the trial of this

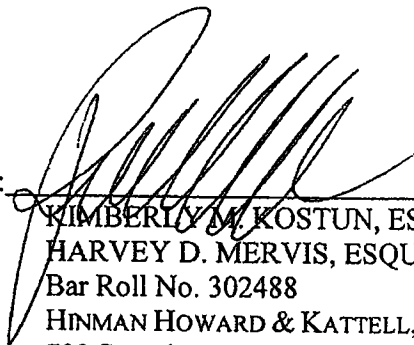
action any of the documents subject to this Protective Order and nothing contained herein shall be construed as a waiver of any objection which might be raised as to the admissibility of any evidentiary material.

8. At the conclusion of the pending arbitration or of this lawsuit by settlement, a jury verdict, nonsuit, dismissal, by judgment order or otherwise, all API materials, including any and all copies, or renditions made from the materials, shall be returned to API within thirty (30) days.

BY:

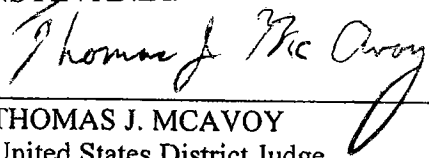

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✱
DENIED WITH LEAVE TO RENEW
IN THE MIDDLE DISTRICT OF
PENNSYLVANIA.

BY:


THOMAS J. MCAVOY
United States District Judge

DATED: 2/4/08